

ESTTA Tracking number: **ESTTA727751**

Filing date: **02/17/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	A&E Television Networks, LLC
Granted to Date of previous extension	02/17/2016
Address	235 East 45th Street New York, NY 10017 UNITED STATES

Attorney information	Monica B. Richman Dentons US LLP P.O. Box #061080 Chicago, IL 60606-1080 UNITED STATES trade-marks.us@dentons.com,jade.olson@dentons.com,mary.mathew@dentons.com Phone:212 768 5367
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Applicant Information

Application No	86648238	Publication date	10/20/2015
Opposition Filing Date	02/17/2016	Opposition Period Ends	02/17/2016
Applicant	Derek Christopher, Inc. #830 Los Angeles, CA 90025 UNITED STATES		

Goods/Services Affected by Opposition


Class 041. First Use: 2009/09/09 First Use In Commerce: 2010/03/10
All goods and services in the class are opposed, namely: Entertainment services in the nature of an on-going reality based television program


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3928022	Application Date	04/07/2010
Registration Date	03/08/2011	Foreign Priority Date	NONE

Word Mark	INTERVENTION
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2005/07/19 First Use In Commerce: 2005/07/19 Multimedia goods, namely, prerecorded digital video discs and DVDs, digital media, namely, downloadable audio and videofiles featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family; downloadable webcasts featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family; downloadable on-line discussion boards featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family</p> <p>Class 041. First use: First Use: 2005/03/06 First Use In Commerce: 2005/03/06 Entertainment services, namely, continuing series of cable television programs featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family</p>

U.S. Registration No.	3270517	Application Date	09/06/2005
Registration Date	07/24/2007	Foreign Priority Date	NONE
Word Mark	INTERVENTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 2005/03/06 First Use In Commerce: 2005/03/06 ENTERTAINMENT SERVICES, NAMELY, CONTINUING SERIES OF CABLE TELEVISION PROGRAMS FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE</p>		

	BY THEIR FRIENDS AND FAMILY
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Attachments	85008077#TMSN.png(bytes) 78707483#TMSN.png(bytes) DIVINE INTERVENTION Notice of Opposition.pdf(1509188 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/monica b. richman/
Name	Monica B. Richman
Date	02/17/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

A&E Television Networks, LLC)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
)	
Derek Christopher, Inc.)	
Applicant.)	
)	

Serial No. 86/648238
Mark: DIVINE INTERVENTION
Class: 41
Filed: June 2, 2015

NOTICE OF OPPOSITION

A&E Television Networks, LLC (the "Opposer"), a Delaware limited liability company, with an address at 235 East 45th Street, New York, NY 10017, believes that it would be damaged by registration of application Serial No. 86/648238 for DIVINE INTERVENTION (the "Application") and hereby opposes that application.

The United States Patent and Trademark Office (the "USPTO") published the Application for opposition in the Official Gazette on October 20, 2015. Opposer timely filed the necessary extensions of time to oppose the Application with The Trademark Trial and Appeal Board (the "Board") and the Board granted Opposer's requests until February 17, 2016. Accordingly, Opposer has timely filed this Opposition.

As grounds of opposition, Opposer hereby alleges:

OPPOSER'S NAMES AND MARKS

1. Opposer owns the nationally- and internationally-known cable television channel commonly referred to as "A&E."
2. Opposer owns the hugely successful television series named INTERVENTION, which was launched in 2005 on A&E. Opposer's INTERVENTION show has averaged upwards of approximately 46 million video views across Opposer's website and third party providers. Opposer has received approximately 47 million page views on its website in connection with the INTERVENTION series.

Opposer's INTERVENTION series has won the prestigious 2009 Primetime Emmy® Awards for "Outstanding Reality Programming." The following are a few examples of quotes regarding Applicant's INTERVENTION series:

· *"Recently [INTERVENTION] was nominated for its first Emmy, for outstanding series, and there is no question that it stands out. Nothing on television matches its freaky calculus of exploitation and good will."* – The NY Times;

· *"Before we get into any discussion about the inner workings of the show, the quality of Intervention... should be addressed. It is riveting."* – The Daily Beast.com; and

· *"Powered by shows such as Intervention, ... A&E, ... wrapped its best ratings quarter ever in March [2010]."* – The Philadelphia Enquirer

3. Opposer owns exclusive federal and common law rights to the mark INTERVENTION, including, US trademark registrations for the INTERVENTION mark: Reg. No. 3270517 filed on September 6, 2005 and Reg. No. 3928022 filed on April 7, 2010. See Exhibit 1.

4. Opposer has been extensively and continuously using, advertising and promoting the INTERVENTION mark since at least as early as July 19, 2005 in connection with "entertainment services, namely, continuing series of cable television programs featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family" in International Class 41 and since at least as early as March 6, 2005 in connection with "multimedia goods, namely, prerecorded digital video discs and DVDs, digital media, namely, downloadable audio and video files featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family; downloadable webcasts featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family; downloadable on-line discussion boards featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family" in International Class 9, with such use starting prior to the filing date of the Application.
5. By reason of Opposer's extensive use, advertisement and promotion of the mark INTERVENTION, the public closely associates the mark with Opposer and its highly successful INTERVENTION entertainment related goods and services.
6. By reason of Opposer's extensive use, advertisement and promotion of Opposer's series and mark, INTERVENTION has become a strong and famous mark, and

- has been a strong and famous mark since prior to the filing date of the Application.
7. On information and belief, Opposer has prior use of its INTERVENTION mark in the United States in connection with entertainment related goods and services, which therefore qualifies Opposer as the senior rights holder in and to an INTERVENTION mark.
 8. The INTERVENTION mark is an asset of substantial value to Opposer as a symbol of Opposer, its highly successful INTERVENTION series and the valuable goodwill associated therewith.
 9. Opposer has invested significant resources in promoting its INTERVENTION mark in connection with its goods and services.

APPLICANTS' INFRINGEMENT AND DILUTION

10. On information and belief, Derek Christopher, Inc. (the "Applicant"), is a corporation of California having an address at 12021 Wilshire Blvd., #830, Los Angeles, CA 90025.
11. Despite Opposer's senior rights to the INTERVENTION mark, Applicant filed a trademark application, Serial No. 86/648238 with the USPTO on June 2, 2015 to register DIVINE INTERVENTION for "entertainment services in the nature of an on-going reality based television program" in International Class 41 with an alleged date of first use anywhere from September 9, 2009 and alleged date of first use in commerce from March 10, 2010 (See Exhibit 2).

12. Upon information and belief, at and prior to the time Applicant filed the Application, Applicant was aware of Opposer's senior rights to the mark INTERVENTION. In addition, at and prior to the time the Applicant filed the Application, Applicant had constructive notice of Opposer's U.S. trademark registrations for the mark INTERVENTION pursuant to Section 22 of the Lanham Act.

DAMAGE TO OPPOSER

13. It is likely that Applicant's DIVINE INTERVENTION designation, when applied to Applicant's services, will cause confusion, or cause mistake, or deceive with Opposer's senior INTERVENTION mark and dilute Opposer's senior INTERVENTION mark because the dominant portion of Applicant's DIVINE INTERVENTION designation is the term "INTERVENTION" -- Applicant's DIVINE INTERVENTION designation and is a clear play off Opposer's mark. Also, the mere addition of the word "divine" to "intervention" is insignificant as Opposer's INTERVENTION mark has been totally encompassed in Applicant's DIVINE INTERVENTION designation, and is for use with identical and closely related entertainment related television program services.
14. If Applicant was permitted to use or register the mark, DIVINE INTERVENTION, for the services specified in the Application, it would cause damage and injury to Opposer's business reputation and goodwill, and would injure and impair Opposer's senior rights in its mark INTERVENTION. The aforesaid confusion, mistake, and deception will generate the erroneous

impression that the Applicant's services originate with Opposer or that Applicant's services are authorized, licensed or endorsed by, or are connected or associated in some way with Opposer, its INTERVENTION entertainment services or Opposer's other goods and services in connection with which Opposer has used the name or mark INTERVENTION. Thus, any fault found with Applicant or its services would reflect adversely upon and damage Opposer's INTERVENTION mark, the INTERVENTION related entertainment goods and services, and the valuable goodwill associated therewith.

15. Applicant's use and registration of the mark DIVINE INTERVENTION would further damage Opposer because such use and registration is likely to dilute the distinctive quality of Opposer's famous INTERVENTION mark.
16. If Applicant was granted the registration applied for, it would thereby obtain, at least, the prima facie exclusive right to use the mark, DIVINE INTERVENTION, on the services specified in the Application. Such registration would thus be a source of damage and injury to Opposer and would be inconsistent with Opposer's senior and exclusive rights in and to the mark INTERVENTION.
17. For the above reasons, Opposer would be damaged by registration of the Application.

WHEREFORE, Opposer prays that this opposition is sustained and that registration of Application Serial No. 86/648238 is denied.

Respectfully submitted,
A&E TELEVISION NETWORKS, LLC

By: /s/ /Monica B. Richman/
Monica B. Richman, Esq.
Mary S. Mathew, Esq.
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mary.mathew@dentons.com
trademarks.us@dentons.com

Attorneys for A&E Television Networks, LLC

Dated: February 17, 2016

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF
OPPOSITION to be served upon:

Derek Christopher, Inc.
12021 Wilshire Blvd., # 830
Los Angeles, CA 90025-1206

by placing same in an envelope, properly sealed and addressed, with postage prepaid and
depositing same with the United States Postal Service on this 17th day of February, 2016.

/s/ /mary s. mathew/
Mary S. Mathew

Filed with the TTAB via
ESTTA on February 17, 2016

Exhibit 1

United States of America

United States Patent and Trademark Office

INTERVENTION

Reg. No. 3,928,022

Registered Mar. 8, 2011

Int. Cls.: 9 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

A&E TELEVISION NETWORKS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
235 EAST 45TH STREET
NEW YORK, NY 10017

FOR: MULTIMEDIA GOODS, NAMELY, PRERECORDED DIGITAL VIDEO DISCS AND DVDS, DIGITAL MEDIA, NAMELY, DOWNLOADABLE AUDIO AND VIDEO FILES FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY; DOWNLOADABLE WEBCASTS FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY; DOWNLOADABLE ON-LINE DISCUSSION BOARDS FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-19-2005; IN COMMERCE 7-19-2005.

FOR: ENTERTAINMENT SERVICES, NAMELY, CONTINUING SERIES OF CABLE TELEVISION PROGRAMS FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-6-2005; IN COMMERCE 3-6-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,270,517.

SEC. 2(F).

SER. NO. 85-008,077, FILED 4-7-2010.

CHERYL CLAYTON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,270,517

Registered July 24, 2007

**SERVICE MARK
SUPPLEMENTAL REGISTER**

INTERVENTION

A&E TELEVISION NETWORKS (NEW YORK
JOINT VENTURE)
235 EAST 45TH STREET
NEW YORK, NY 10017

FIRST USE 3-6-2005; IN COMMERCE 3-6-2005.

FOR: ENTERTAINMENT SERVICES, NAMELY,
CONTINUING SERIES OF CABLE TELEVISION
PROGRAMS FEATURING THE LIVES AND
STRUGGLES OF PEOPLE WITH ALCOHOL AND
SUBSTANCE ABUSE PROBLEMS AND OTHER AD-
DICTIONS AND THE EFFECTS ON AND EFFORTS
TO HELP MADE BY THEIR FRIENDS AND FA-
MILY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-707,483, FILED P.R. 9-6-2005; AM. S.R.
4-13-2007.

SHARON MEIER, EXAMINING ATTORNEY

Exhibit 2

Trademark/Service Mark Application, Principal Register

Serial Number: 86648238

Filing Date: 06/02/2015

To the Commissioner for Trademarks:

MARK: Divine Intervention (Standard Characters, see mark)

The literal element of the mark consists of Divine Intervention.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Derek Christopher, Inc., a corporation of California, having an address of
#830,
12021 Wilshire Blvd.
Los Angeles, California 90025
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class _____: Entertainment services in the nature of an on-going reality based television program

In International Class _____, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/09/2009, and first used in commerce at least as early as 03/10/2010, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) digital images of websites currently used in commerce.

Specimen File1

Specimen File2

Specimen File3

The applicant's current Correspondence Information:

Derek Christopher, Inc.

#830

12021 Wilshire Blvd.

Los Angeles, California 90025

3109802335(phone)

derekchristopher@yahoo.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Derek Christopher/ Date: 06/01/2015

Signatory's Name: Derek Christopher

Signatory's Position: Owner

RAM Sale Number: 86648238

RAM Accounting Date: 06/02/2015

Serial Number: 86648238

Internet Transmission Date: Tue Jun 02 10:09:31 EDT 2015

TEAS Stamp: USPTO/BAS-XXX.XX.XXX.X-20150602100931905

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-7590-20150601160029441600

Divine Intervention

Divine Intervention with Father Steve

Season 1

Ep. 1: A Little Divine Intervention

Ep. 2: Smells Like Mean Spirit

Ep. 3: Marvin's Plan

Ep. 4: Priest At The Drive In

Ep. 5: A Chance For Redemption

Ep. 6: There's Always Hope

Season 2 premieres Monday, October 20th, 2014 on CatholicTV!

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Divine Intervention with **Father Steve**

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episodes



Redemption



Adultery



Evil Spirits



Addiction

show images



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Redemption



Adultery:



Evil Spirits



Addiction



Father Joe, a Spaniard, has a way of deeply touching lives. This realistic series captures his unique and inspiring ministry to God's people. Each episode features his guidance of a person in need, and demonstrates just how active a parish priest is. Subjects tackled include drug addiction, pornography, and demon possession.

Abstracts of papers presented at the 1998 Annual Meeting of the American Society of Human Genetics, November 13-17, 1998, Denver, Colorado

Thursday | 8th Week
Ordinary Time
Daily Mass
08:30 AM



Chris Hughes | Faith
Witness
Intertide
06.11.2016



Wednesday | 8th Week
Ordinary Time
Daily Mass
05/11/2014



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